

REMARKS/ARGUMENTS

Claims 38-60 are active. Claims 11-37 have been withdrawn from consideration. Independent Claim 38 tracks and finds support in original Claim 1. Support for Claim 1's limitation to "at least 90%" is found in the specification at page 4, last line. Support for polynucleotide encoding fragments of SEQ ID NO: 2 having homocysteine methyltransferase I activity is found on page 2, last two lines, and on page 4, last paragraph. Dependent Claims 39-42 also find similar support. Claim 43 tracks and finds support in original Claim 4. Claims 44-45 find support as indicated above for Claim 38 and Claim 46 also tracks original Claim 3. Claims 47-49, directed to vectors, and Claims 50-55, directed to host cells find support on pages 8-10 of the specification. The particular elements, such as promoters, regulatory regions, etc., are described starting on page 8, line 31, of the specification. Claims 56 and 57 find support in original Claims 9 and 10. Claims 58-60 track parts c) and d) of original Claim 1 and also find support in the specification at page 8, lines 10-16. Minor revisions have been made to nonelected Claims 11-37. Accordingly, the Applicants do not believe that any new matter has been added.

The Applicants thank Examiner Fronda for the courteous and helpful interview of October 22, 2003. It was agreed that the prior art did not apply to the present claims. Moreover, it was indicated that the Applicants could perfect their deposit requirement by making a statement of continued availability for the claimed cell lines and that limitation of the claims to sequences which are "at least 90%" identical would likely address the description and enablement rejections. The Applicants now have made these amendments and statements. Accordingly, favorable consideration and allowance of this application are respectfully requested.

Restriction/Election

The Restriction Requirement has been made final. The Applicants respectfully request that upon an indication of allowance for the elected claims, that nonelected process claims which depend from or include all the limitations of an allowed product claim be rejoined and also allowed, see MPEP 821.04.

Rejection—35 U.S.C. 112, first paragraph

Claims 1-3, 5, 7 and 8 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate description. This rejection is moot in view of the cancellation of these claims. It would not apply to the new claims which are directed to sequences which are defined in terms of “at least 90% identity” to known sequences.

Rejection—35 U.S.C. 112, first paragraph

Claims 1-3, 5, and 8 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate description. This rejection is moot in view of the cancellation of these claims. It would not apply to the new claims which are directed to sequences which are defined in terms of “at least 90% identity” to known sequences.

Rejection—35 U.S.C. 112, first paragraph

Claims 9 and 10 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate description or enablement with respect to the deposited strains. The Applicants hereby indicate that the claimed *E. coli* strains were deposited under the terms of the Budapest Treaty as DSM14352 and DSM 14353. As required by 37 C.F.R. 1.808, subject to the one exception permitted by 37 C.F.R. 1.808(b), all restrictions imposed by the depositor

on the availability to the public of the deposited material will be irrevocably removed upon granting of the patent. See MPEP 2410.01.

Rejection—35 U.S.C. 112, second paragraph

Claims 1, 5 and 7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the cancellation of these claims.

Rejection—35 U.S.C. 102

Claims 1 and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by Pawar et al., Accession AF262755. These rejections are moot, because Pawar et al. is directed to sequences encoding an S-adenosyl-L-homocysteine hydrolase gene from *Mycobacterium bovis*, and the present claims are directed to sequences encoding polypeptides having homocysteine methyltransferase (*metE*) activity.

Information Disclosure Statement

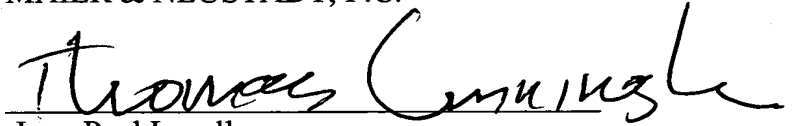
Certain documents on the previous information disclosure statements were crossed-out as not being in English. The Applicants now provide English abstracts or English language documents corresponding to the crossed-out documents.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Jean-Paul Lavalleye", written over a horizontal line.

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